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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,169	07/23/2003	Reinhard Wittwer	BM-134	9708

7590 04/19/2006
Friedrich Kueffner
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EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,169

Applicant(s)

WITTWER ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,17,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1, 2, 4-10, 17, 18 and 20 are objected to because of the following informalities: In claim 1, line 13, it is not clear in what sense the locking bar is independent from the actuator, since their individual operation is dependent on the other, in view of the connection therebetween. Similarly, in claim 1, line 16, it is not clear in what sense the locking bar blocking element is independently movable from the actuator blocking element, in view of the connection therebetween. In claim 1, line 20, --blocking-- should be inserted after "bar". Appropriate correction is required.

Applicant should note that claim 10 should have its status identifier modified to set forth that the claim is "Withdrawn".

Applicant should note that in view of the above claim objections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-6 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Wolter (877).

Wolter teaches a locking system including a rotor device 4 and key for driving authorization, the rotor defining an actuator and having a switch for controlling the engine, an actuator blocking element 21, a locking bar 11, 30, a locking bar blocking element 23, wherein a connection element defined by the lever 18 connects the

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actuator blocking element 21 and locking bar blocking element 23, the blocking element 21 and blocking element 23 being rendered reversibly active and inactive with a notch 31 and shoulder 29 on the locking bar as seen in fig. 5 and with a contour of the key rotor as seen in figs. 6-9. The system also includes a stator. The key defines a handle for turning the rotor 4. The connection lever 30 has one end (integrally) linked to the actuator blocking element 21 and another end (integrally) linked to the locking bar blocking element 23, and the actuator blocking element 21 will be spring-biased 19 against a working shoulder (outer periphery) of the rotor 4 when the actuator is in the working position with the blocking element 21 withdrawn from the notch (key slot 20).

Claims 1, 2, 4-6 and 18 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by the German reference (860).

The German reference teaches a key actuated rotor 8 used with a locking bar 15, and a locking bar blocking element 16 cooperable with a notch 19 in the locking bar, and an actuator blocking element 11 used with the actuator 9 and rotor 8, wherein the blocking elements 16, 11 are reversibly used in active and inactive states and are connected by a cable 4. The key is used as a handle for rotating the rotor. A connection 4 has one end linked to the actuator blocking element 11 and another end linked to the locking bar blocking element 16, which element 16 may engage a shoulder of the locking bar 15 as seen in figure 2. When the actuator 9, 8 is in a working position in fig. 5, the actuator blocking element 11 is supported on a shoulder (outer periphery) of the actuator 9, and the actuator blocking element 11 causes by means of the connection 4 the active

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position of the locking bar blocking element 16 in fig. 5, which holds the locking bar 15 in the release position, to remain arrested.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wolter (877) or the German reference (860), in view of Goto et al (295).

Goto teaches a mobile part 1, 2 of a key to be decoded by a stationary part 5 of the locking system and an anti-pullout feature as set forth in column 4, lines 23-25 and 62-67. It would have been obvious to utilize a mobile part, decoder and anti-pullout feature with the lock of Wolter or the German reference (860), in view of the teaching of Goto et al, the motivation being to optimize resistance against unauthorized actuation of the ignition switch of Wolter or the German reference (860).

Claim 20 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over either Wolter (877) or the German reference (860), in view of Arman. Arman teaches stationary and movable contacts used with an ignition switch as seen in figs. 16 and 17. It would have been obvious to utilize stationary and movable contacts with the ignition switch of Wolter or the German reference (860), in view of the teaching of Arman, the motivation being to ensure that the ignition is not actuated until a proper key is used therewith.

Claim 17 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over the German reference (860) in view of Suzuki (848).

Suzuki teaches a motor 38 and gearing 40 used to retract a locking bar 32. It would have been obvious to substitute a motor with gearing for the locking bar actuating elements 20, 22 of the German reference (860), in view of the teaching of Suzuki, the motivation being to ensure proper engagement therebetween for retracting the locking bar.

Applicant's arguments filed October 21, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks on page 14, lines 10-12, Wolter teaches a locking shoulder 29 on one side and a working shoulder (the outer periphery of the actuator/rotor) on the other side, which outer periphery is engaged by the element 21 by the spring bias 19 in the working position of the actuator. It is not clear from applicant's remarks what claimed structure is not taught by the Wolter reference. With respect to the remarks concerning the German reference in the last paragraph of page 15, the slider 11 of the reference defines an actuator blocking element, as the shoulder 31 in fig. 2 prevents the actuator 8, 9 from moving into the notch 32 in the figure 2 condition. In response to the remarks on page 16, lines 1-3, the actuator of applicant may also have its position changed by a movement of the key. The "bolt is no arrestable" remark on page 16, line 3 is not clear, and the bolt 16 of the German reference is engageable with the notch 19 as well as with a shoulder in the figure 2 position.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

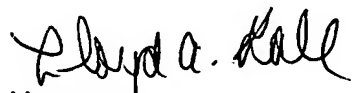
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
April 14, 2006


Lloyd A. Gall
Primary Examiner